

### **REMARKS**

The claims stand rejected as being obvious in view of U.S. Patent No. 6,725,401 issued to Lindhorst-Ko ("Lindhorst-Ko"), and in view of U.S. Patent No. 6,587,235 issued to Chaudhuri, et al. ("Chaudhuri"). Applicants hereby wish to swear behind Lindhorst-Ko, as their claimed invention was conceived before the priority date of Lindhorst-Ko, namely October 26, 2000, and there was diligence from a time just prior to that date until the constructive reduction to practice on December 14, 2000. A Declaration of the undersigned attorney of record under Rule 1.131 is submitted in support, together with evidence in its Appendix A.

As seen in the Declaration, preparation of the subject patent applicant began just prior to the priority date of Lindhorst-Ko, based on an existing invention disclosure document that describes the claimed subject matter. A draft of the patent application was reported to the inventors a little more than a week later. About two weeks later, the attorney resumed work on the application, and another draft was reported about two weeks thereafter. Lastly, additional work was done in the subsequent two weeks ending December 14, 2000, at which point the application was filed. Applicants submit that the Declaration and supporting evidence submitted here are sufficient to swear behind Lindhorst-Ko, making the rejection in view of Lindhorst-Ko improper.

### **CONCLUSION**

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No.

02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

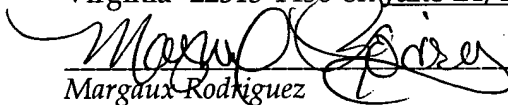
Dated: June 24, 2005

By   
Parzad E. Amini, Reg. No. 42,261

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on June 24, 2005.

  
Margaux Rodriguez June 24, 2005